

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AMERICAN GENERAL HOME EQUITY
INC., a Delaware corporation,

Plaintiff,

v.

KENNETH E. ROBERSON SR and MARIA
LUZ-ROBERSON, husband and wife
individually and the marital community
composed thereof, THE ROBERSON SR.
FAMILY TRUST; D. SCOTT HEINEMAN,
as Trustee of the Roberson Sr. Family Trust;
KURT F. JOHNSON, as Trustee of the
Roberson Sr. Family Trust; D. SCOTT
HEINEMAN, Trustee, as Attorney-in-Fact
for Kenneth E. Roberson and Maria Luz-
Roberson of the Roberson Sr. Family Trust;
and D. SCOTT HEINEMAN and JANE DOE
HEINEMAN, husband and wife, individually
and the marital community composed thereof;
AND KURT F. JOHNSON and JANE DOE
JOHNSON, husband and wife, individually
and the marital community composed thereof,

Defendants.

Case No. C05-5135RJB

ORDER GRANTING
KENNETH ROBERSON,
SR.'S MOTION FOR
CONTINUANCE

This matter comes before the court on defendant Kenneth Roberson, Sr.'s Motion for Continuance Regarding Minute Order of Initial Disclosures, Joint Status Report, and Early Settlement. Dkt. 10. The court has considered the relevant documents and the remainder of the file herein.

1 On February 23, 2005, American General Home Equity Inc. filed a Complaint for Declaratory
2 Judgement and Other Relief, against Mr. Roberson Sr. and other defendants as noted in the caption of this
3 case. Dkt. 1. On February 24, 2005, the court issued a Minute Order Regarding Initial Disclosures, Joint
4 Status Report, and Early Settlement. Dkt. 3. In that Minute Order, the court set dates regarding the
5 FRCP 26(f) Conference (May 11, 2005), the Initial Disclosures pursuant to FRCP 26(a)(1) (May 18,
6 2005), and the Combined Joint Status Report and Discovery Plan as required by FRCP 26(f) and Local
7 Rule CR 16 (May 25, 2005).

8 On May 5, 2005, Mr. Roberson filed a motion, requesting that the dates set in the court's February
9 24, 2005 minute order be continued for two months, because he was not served with a copy of the
10 complaint until March 18, 2005. Plaintiff did not note the motion, as is required by Local Rule CR 7.
11 Pursuant to Local Rule CR 7(d)(2), this is a motion for relief from a deadline imposed by an order of the
12 court. Accordingly, the motion was noted by the clerk, pursuant to Local Rule CR 7, for consideration on
13 May 20, 2005. See Dkt. 10. Plaintiff's counsel has received notice of the filing of this motion by the
14 court's electronic filing system; plaintiff has not filed a response to the motion. In this instance, because
15 plaintiff's counsel received notice of the filing of this motion by the court, the court should consider this
16 motion. In the interest of fairness and efficiency, the court should grant Mr. Roberson's request and
17 extend the time for the Rule 26(f) conference, the initial disclosures, and the joint status report and
18 discovery plan.

19 The court notes that several defendants have been named in this case, but no one other than Mr.
20 Roberson has yet appeared. Mr. Roberson is informed that, any documents he files in this case in the
21 future must be served on plaintiff's counsel and on each codefendant who appears in this case; plaintiff
22 must also file a certificate of service, as is required by Fed.R.Civ.P. 5.

23 In his motion for a continuance, Mr. Roberson stated that "[d]efendants request the same
24 consideration of time that the Plaintiffs [sic] had since filing on February 23, 2005." Dkt. 10. At this point,
25 Mr. Roberson is proceeding *pro se* in this matter. Although a nonattorney may appear *pro se* on behalf of
26 himself, he has no authority to appear as an attorney for others. *C.E. Pope Equity Trust v. United States*,
27 818 F.2d 696, 697 (9th Cir. 1987); *Johns v. County of San Diego*, 114 F.3d 874, 876 (9th Cir. 1997). Mr.
28 Roberson is not representing any of the other named defendants in this case, and he may not file documents

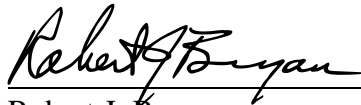
1 or otherwise appear on behalf of the other parties named as defendants in this matter.

2 Therefore, it is hereby

3 **ORDERED** that defendant Kenneth Roberson, Sr.'s Motion for Continuance Regarding Minute
4 Order of Initial Disclosures, Joint Status Report, and Early Settlement (Dkt. 10) is **GRANTED**. It is
5 **ORDERED** that the FRCP 26(f) Conference must be held no later than July 20, 2005; the Initial
6 Disclosures pursuant to FRCP 26(a)(1) must be made no later than July 27, 2005; and the Combined Joint
7 Status Report and Discovery Plan as required by FRCP 26(f) and Local Rule CR 16 must be filed no later
8 than August 3, 2005.

9 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any
10 party appearing *pro se* at said party's last known address.

11 DATED this 20th day of May, 2005.

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14 Robert J. Bryan
15 United States District Judge
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